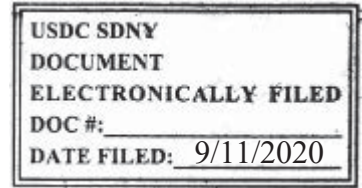


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Bronx Miracle Gospel Tabernacle Word of Faith
Ministries, *et al.*,

Petitioners,

—v—

Hon. Stuart M Bernstein, *et al.*,

Respondents.

20-cv-7416 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

Petitioners have filed have filed an Emergency Petition for Writ of Prohibition and Mandamus (Dkt. No. 1) and Emergency Motion for Order to Show Cause for Preliminary Injunction and Temporary Restraining Order (Dkt. No. 2). The record does not reflect that Petitioners have served the petition and motion on Respondents or otherwise notified Respondents of the petition and motion, and Petitioners have not demonstrated that they are entitled to ex parte relief. *See* Fed. R. Civ. P. 65(b)(1).

The Court also finds that extraordinary relief would not be warranted here even on a properly noticed motion. Mandamus is appropriate only where a petitioner’s right to relief is “clear and indisputable” and ordinary remedies would be inadequate to protect the petitioner’s interests. *In re F.C.C.*, 217 F.3d 125, 133 (2d Cir. 2000). Petitioners did not timely oppose appointment of a Chapter 11 trustee before the bankruptcy court. Moreover, they did not seek emergency relief in this Court until nearly a month after the bankruptcy court’s ruling on a similar motion. Considering this delay, the balance of equities does not favor emergency relief.

The petition and motion are therefore DENIED.

SO ORDERED.

Dated: September 11, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan".

ALISON J. NATHAN
United States District Judge